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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/054,894

01/25/2002

Ed Blanch

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37833 7590 01/12/2007  
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EXAMINER

APPLE, KIRSTEN SACHWITZ

ART UNIT

PAPER NUMBER

3693

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

01/12/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/054,894	<b>Applicant(s)</b> BLANCH, ED	
	<b>Examiner</b> Kirsten S. Apple	<b>Art Unit</b> 3693	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 25 January 2002.
- 2a) ☐ This action is FINAL.      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>1-25-02</u> . | 6) <input type="checkbox"/> Other: _____  |

## Detailed Action

This action is in response to the application filed on 1/25/2002.

### *Priority*

No claim for priority has been made in this application.

### *Claim Rejections - 35 USC § 112*

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 1-36 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In particular it is indefinite and the examiner did not understand:

“add-on fee”

It is unclear to the examiner and one of ordinary skill in the art what is claim by this description. They are added on for what- closing fees, points on mortgage, etc. For the purposes of this review the examiner will interpret the claim to be:

“closing fees”

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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Claims 1-36 are rejected under 35 U.S.C. 102(b) as being anticipated by Oppenheimer US Patent 5,644,726.

**Re claim 1, 7 & 13:** Oppenheimer discloses:

*A product, system & method, comprising:*

*Loan query web page, with plurality of drop-down list boxes from which a user may select parameter for a loan, calculating mortgage loan add-on fees based on parameters selected, and submitting parameters. (see Oppenheimer, Figure 3)*

*Retrieving updated mortgage loan closing fees for selected mortgage loan parameters (see Oppenheimer, Table 2, item 2 fees)*

*Re-computing closing fees when closing fees have changed (see Oppenheimer, Table 2, item 2 fees)*

*Sending re-computer closing fees to client computer (see Oppenheimer, Table 2, item 2 fees & Figure 2B, item 29)*

*Determining mortgage loan underwriting conditions based upon parameters selected (see Oppenheimer, Table 2 & 3)*

*Sending mortgage loan underwriting conditions to client computer (see Oppenheimer, Table 2 & 3 & Figure 2B, item 29)*

**Re claim 2, 8 & 14:** Oppenheimer discloses:

*Drop-down list box includes selecting loan-to-value percentage (see Oppenheimer, Figure 3, item 62 & column 1, line 25)*

**Re claim 3, 9 & 15:** Oppenheimer discloses:

*Drop-down list box includes selecting loan amount (see Oppenheimer, Figure 3, item 61 & Table 2, line 1, 3)*

**Re claim 4, 10 & 16:** Oppenheimer discloses:

*Drop-down list box includes selecting mortgage loan repayment program (see Oppenheimer, Figure 3, item 60 & Figure 2-3, "Example type" & Figure 8, item 36)*

**Re claim 5, 11 & 17:** Oppenheimer discloses:

*Drop-down list box includes selecting mortgage loan interest rate (see Oppenheimer, Figure 3, item 62 & Table 1, "u" & "x")*

**Re claim 6, 12 & 18:** Oppenheimer discloses:

*Text box for optional information for identifying a borrower and a property to be mortgaged (see Oppenheimer, Figure 10, item 60)*

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Walker et al., U.S. Patent No 6,088,686, discloses on-line credit approval.

Lebda et al., U.S. Patent 6,385,594, teaches a method for coordinating loans over the internet.

The examiner would also like to strongly point out that everything in the application has been done either manually or electronically for as long as mortgages have existed. Simply automating an existing manual system is insufficient to be awarded a patent.

### ***Contact Information***


Art Unit: 3693

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kirsten S. Apple whose telephone number is 571.272.5588. The examiner can normally be reached on Monday - Friday 7:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 571-272-6712. The fax phone number for the organization where this application or proceeding is assigned is 571-272-6126.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ksa

  
James Kramer  
1/8/07